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| 09/812,158      | 03/19/2001  | Robert L. Battey     | 10961158-2          | 2950             |

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| EXAMINER |
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NGHIEM, MICHAEL P

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| ART UNIT | PAPER NUMBER |
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2863

DATE MAILED: 01/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/812,158

Applicant(s)

BATTEY ET AL.

Examiner

Michael P Nghiem

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2002 and 19 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 16-20 and 22-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20 and 22-30 is/are allowed.
- 6) ☒ Claim(s) 16-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

The Communications filed on October 22, 2002 and November 19, 2002 have been acknowledged.

### ***Request for Continued Examination***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 19, 2002 has been entered.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 16-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Ujita et al. (US 5,506,611).

Ujita et al. discloses all the claimed features of the invention including:

- a replaceable ink container (21, 51) for use in an off axis printing system (Fig. 10), the printing system being responsive to electrical signals produced by the replaceable ink container for controlling printing system parameters (Fig. 5), the replaceable ink container having a leading edge (front wall of 51, Fig. 5) defined as that edge of the replaceable ink container first received by the printing system, the replaceable ink container comprising:

- a plurality of electrical contacts (19a, 19b) on the leading edge at a first side of the leading edge, the plurality of electrical contacts configured for engaging a plurality of corresponding electrical printer contacts of the printing system (20a, 20b);

- a fluid outlet (15) on the leading edge at a second side of the leading edge, wherein the first side and the second side are positioned adjacent opposite ends of the leading edge (right side of leading edge containing 15 is adjacent right end of leading edge, left side of leading edge containing 19a, 19b is adjacent left end of leading edge, Fig. 5), such that the fluid outlet is separated from the plurality of electrical contacts (15 is separated from 19a, 19b), the fluid outlet being in fluid communication with the replaceable ink container and configured for engaging a fluid inlet (16) of the printing system; and

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- an information storage device (22) electrically connected to the plurality of electrical contacts;

- the leading edge defines a longitudinal axis with the first side and the second side being disposed on the longitudinal axis (Fig. 5);

- a latch feature (2641, 2642), the replaceable ink container having an unlatched position and a latched position, wherein the latch feature is in engagement with corresponding engagement features (336a, 337a) of the printing system, the plurality of electrical contacts of the replaceable ink container are in engagement with the plurality of corresponding electrical printer contacts, and the fluid outlet is in fluid communication with the fluid inlet of the printing system (Figs. 27a, 27b);

- the latch feature is a pair of latch features, and wherein one latch feature of the pair of latch features is on the replaceable ink container adjacent to the first side and another latch feature of the pair of latch features is on the replaceable ink container adjacent to the second side (Figs. 27a, 27b).

***Allowable Subject Matter***

3. Claims 20 and 22-30 are allowed.

***Reasons for Allowance***

4. The combination as claimed wherein a replaceable ink container including an electrical interface portion being a cavity within an outer surface or

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leading edge of the replaceable ink container is not disclosed, suggested, or made obvious by the prior art of record.

### ***Response to Arguments***

5. Applicant's arguments filed on October 22, 2002 has been fully considered but they are not persuasive.

With respect to the 35 USC 102 rejections, Applicants argue that Ujita does not disclose a replaceable ink container wherein a plurality of electrical contacts are disposed on a leading edge of the ink container at a first side of the leading edge, and a fluid outlet is disposed on a second side of the leading edge, wherein the first side and the second side are positioned opposite ends of the leading edge, such that fluid outlet is separated from the plurality of electrical contacts.

Examiner's position is that Ujita discloses a replaceable ink container (21, 51) wherein a plurality of electrical contacts (19a, 19b) are disposed on a leading edge (front wall of 51) of the ink container (Fig. 5) at a first side of the leading edge (side of front wall on the left of 15), and a fluid outlet (15) is disposed on a second side of the leading edge (side of front wall on the right of said left side and containing 15), wherein the first side and the second side are positioned adjacent opposite ends of the leading edge (right side of leading edge containing 15 is adjacent the right end of leading edge, left side of leading edge containing 19a, 19b is adjacent the left end of leading edge, Fig. 5), such that fluid outlet is

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separated from the plurality of electrical contacts (15 is separated from 19a, 19b). Even though the left and right sides of Ujita may not be equal, the right side is adjacent the right end and the left side is adjacent the left end of the leading edge (Fig. 5).

***Contact Information***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Nghiem whose telephone number is (703) 306-3445. The examiner can normally be reached on M-H from 6:30AM – 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached at (703) 308-3126. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7724 for regular communications and (703) 308-5841 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



**MICHAEL NGHIEM**  
**PRIMARY EXAMINER**

Michael Nghiem

January 9, 2003